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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/361,893	07/27/1999	CHRISTOPHER L. MCCRANK	2000.009700	6115
23720	7590	08/05/2005	EXAMINER	
WILLIAMS, MORGAN & AMERSON, P.C. 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042			CHANG, EDITH M	
			ART UNIT	PAPER NUMBER
			2637	

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/361,893

Applicant(s)

MCCRANK ET AL.

Examiner

Edith M. Chang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 3 and 10 is/are allowed.
- 6) ☒ Claim(s) 2 and 8 is/are rejected.
- 7) ☒ Claim(s) 4-7, 9 and 11-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see pages 14-24, filed on May 25, 2005, with respect to the U.S.C. 103 rejection of claims 1-20 have been fully considered and are persuasive. The U.S.C. 103 rejection of claims 1-20 has been withdrawn.

### ***Specification***

2. The abstract of the disclosure is objected to because on page 11 line 23, the base unit receiver 120 should be the base unit receiver 210. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

3. Claims 2, 4-9 and 11-20 are objected to because of the following informalities:  
Claim 2, line 3: "selecting a second radio" should be "selecting the second radio".  
Claim 4, line 1: "wherein selecting a third" should be "wherein selecting the third";  
line 3: "selecting a third radio" should be "selecting the third radio".  
Claim 5, line 2: "over a first radio" should be "over the first radio"; line 3: "during a first time frame" should be "during the first time frame"; line 5: "over a first frequency" should be "over the first frequency"; line 6: "during a" should be "during the".  
Claim 6, line 3: "during a second time frame" should be "during the second time frame"; line 7: "during a second time frame" should be "during the second time frame".

Claim 7, line 3: "during a third time frame" should be "during the third time frame";  
line 7: "during a third time frame" should be "during the third time frame".

Claim 8, line 3: "by a voltage controlled" should be "by the voltage controlled";  
line 4: "by a frequency" should be "by the frequency"; line 5: "select a second radio"  
should be "select the second radio".

Claim 9, line 1: "a third radio" should be "the third radio"; line 3: "by a voltage  
controlled" should be "by the voltage controlled"; line 4: "by a frequency" should be "by  
the frequency"; line 5: "select a third radio" should be "select the third radio".

Claim 11, lines 2 & 3: "communication unit" should be "communication units";

Claim 13, lines 6-7: "over a first" should be "over the first radio".

Claim 14, line 2: "a transmitter" should be "the transmitter".

Claims 16 & 17, line 2: "each include" should be "each includes".

Claim 20, line 1: "coupled to the" should be "coupled to a".

Claims 12, 15 and 18-19 are dependent on the objected claim 11.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly  
claiming the subject matter which the applicant regards as his invention.

5. Claims 2 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being  
indefinite for failing to particularly point out and distinctly claim the subject matter which  
applicant regards as the invention.

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Claim 2, line 1: "wherein selecting a second radio frequency" lacks antecedent basis.

Claim 8, line 1: "wherein selecting a second radio frequency" lacks antecedent basis.

***Allowable Subject Matter***

6. Claims 1, 3 and 10 are allowed.
7. Claims 2 and 8 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
8. Claims 2, 4-9 and 11-20 would be allowable if rewritten or amended to overcome the objection(s) set forth in this Office action.
9. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to teach or suggest, alone or in a combination, among other things, at least an apparatus for transmitting communication between first and second communication units over a plurality of radio frequencies and its method as a whole, the combination of elements and features, which includes the first and second communication units communicate over a first radio frequency during a first time frame; a voltage controlled oscillator (VCO) of the first and second communication units selecting an initial frequency, a frequency multiplier multiplying the initial frequency to select a second radio frequency during a time period with .

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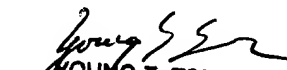
**Conclusion**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edith M. Chang whose telephone number is 571-272-3041. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay K. Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Edith Chang  
August 1, 2005

  
YOUNG T. TSE  
PRIMARY EXAMINER